GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

M.A. & U.D. Department – Nellore Municipal Corporation – Exchange of Municipal site at Tekkemitta of Nellore Municipal Corporation with an area of Ac. 0.28 cents in CAS No. 527 & 492/2 equivalent value of the site measuring an extent of 35.22 cents acquired from the land owners situated in CAS.No.214 of Venkataramapuram,, Nellore, for the purpose of laying of approach road to the Box type under bridge, near Vijaya Mahal Gate, Nellore duly repealing the earlier orders issued vide G.O.Rt.No.823, MA & UD (W1) Department, Dt:19.06.2011 – Orders - Issued.

MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT (H1) DEPARTMENT

G.O.Ms.No.140 Dated:02.06.2016

Read the following:

1) G.O.Rt.No.823, MA & UD (W1) Dept., Dt. 19.06.2011.
2) Representation dt. 28.07.2014 of Sri K.Syam Sunder Reddy, Nellore and 2 others.
3) From the orders of the Hon'ble High Court for the State of Telangana and the State of Andhra Pradesh at Hyderabad in W.P. No. 9982/2015, dated 09.09.2015.
4) Contempt Notice No.CC No.35/2016 in WP No. 9982/2015, dated 09.09.2015 given by Hon'ble High Court of AP.
5) Govt. Memo.No.56249/H1/2015, Dated:03.02.2016.
6) From the Commissioner, Nellore Corporation Lr.Roc.No.14151/G1/ 1986, dt:30.01.2016.
7) From the GP, APHC, Lr.No.CC.No.35/2016/KJR/MA&UD, dt:09.02.2016.
8) Govt. Memo.No.56249/H1/2015, Dated:10.02.2016.
9) From the Commissioner, Nellore Corporation Lr.Roc.No.14151/G1/1986, dt:30.01.2016
10) Govt. Memo No.56249/H1/2015, dt:14.03.2016.
11) From the DT&CP, AP., Guntur, Lr.Roc.No.962/2014/G/, dt:14.03.2016 along with opinion of Govt. Pleader for MA&UD, Hon'ble High Court.
12) Govt. Memo No.56249/H1/2015, dt:21.03.2016.
13) From the DT&CP, AP., Hyderabad, Lr.Roc.No.962/2014/G/, dt:04.04.2016 along with opinion of Govt. Pleader for MA&UD, Hon'ble High Court
14) Govt. Memo.No.56249/H1/2015,Dated:07-04-2016
15) From the DTCP, AP, Guntur, Lr.No.651/2016/G, dt:20.04.2016.
16) Govt.Memo.No.56249/H1/2015, dated:21.04.2016.
17) From the GP for MA&UD Lr.CC.o.35/16/KJR/MA&UD, dt:29.04.2016
18) From the Commissioner, NMC, Nellore, Lr.Roc.No. 14151/G1/1986, dated:01-06-2016

& & &

ORDER:

In the reference 1st read above, Government have issued orders confirming the revised Council Resolution No. 88, dt: 12.01.2011 of Nellore Municipal Corporation to allot alternative site to Sri K.Syamasundara Reddy, Sri K.Gopinadha Reddy and Sri K.Muralidhar Reddy which is of equivalent value of the site acquired from the owners for construction of approach road to box type under bridge in Nellore i.e., three pieces of land in L.P. No. 70/91 to an extent of Ac.0.40 cents, L.P. No.66/82 of Ac. 1.06 cents and L.P. No.55/95 of Ac. 0.305 cents totalling Ac. 1.765 cents.

2. The Commissioner, Municipal Corporation, Nellore vide reference 9th read above addressed to the Government while explaining the gist of the case, requested the Government to issue necessary orders in the light of orders of the Hon'ble Court in C.C No.35/2016 in W.P.No.9982 of 2015 on the representation dated:28.07.2014 of the Petitioner on de-reservation from open space to residential use to comply with the orders of the Hon'ble High Court in the above subject matter.

3. As per the guidelines issued in G.O.Ms.No.72, MA&UD (G1) Dept.dt.20.02.2002, the Government have no jurisdiction to convert the site reserved for park or play ground for some other purpose. Hence, it is opined that de-reservation of land allotted to the applicant i.e to Sri K.Syam Sunder Reddy as per Hon'ble High Court orders in WP No.9982/2015 is not possible as it is against judgments of Hon'ble Supreme Court. Hence, the request of Sri K.Syam Sunder Reddy, Nellore regarding de-reservation of their land to an extent of Ac.1.765 cents situated 3 L.P.Nos.70/91, 66/82 and 55/95 and change them as residential plots is not feasible as per G.O.Ms.No.72, MA&UD (G1) Department, dt.20.02.2002.

4. In the reference 12th read above, Government have requested the Commissioner, Nellore Municipal Corporation to immediately identify alternate Municipal land for Claimants/Defendants as the land which Nellore Municipal Corporation, already allotted is falling in layout open spaces which has been done inadvertently at that time, and the Government have cancelled the same recently. The Commissioner, Municipal Corporation, Nellore has informed that the Nellore Corporation has already filed suits before Civil Court seeking cancellation of the exchange deeds executed by the Corporation related to the land already allotted. Since the defendants have to be provided either compensation or alternate land, the Commissioner, Nellore Municipal Corporation has been directed to identify alternate land and send proposals to the Government immediately.

5. Finally, in the reference 18th read above, the Commissioner, Nellore Municipal Corporation has informed that the Officers of Nellore Municipal Corporation inspected the sites along with Town Surveyor and identified a Municipal site at Tekkemitta, Nellore with an extent of Ac. 0.28 cents in CAS No. 527 & 492/2 which is readily available for allotment to the applicant, Further, the proposed site at Tekkemitta is earmarked for residential use as per approved Master Plan Nellore and at present in the said site an old Municipal Quarters is existing. The present value of the proposed alternate site situated in Tekkemitta is Rs.16,500/- per Sq. Yard as per sub- registrar valuation certificate dt:28-05-2016 and the value of the applicant's site which was acquired by the Corporation located at Vijayamahal Gate is also Rs.16,500/- as per sub-registrar valuation. Hence the values of both the sites are same and there is no difference.

6. Government, after careful examination hereby permit the Commissioner, Nellore Municipal Corporation to allot the Municipal site at Tekkemitta belonging to Nellore Municipal Corporation with an area of Ac.0.28 cents in CAS No. 527 & 492/2 to the applicants i.e. Sri K.Syamasundara Reddy, Sri K.Gopinadha Reddy and Sri K.Muralidhar Reddy duly repealing the earlier orders issued by the Government in G.O.Rt.No.823, M.A.&U.D.(W1) Department, dt:29.06.2011. The Commissioner, Nellore Municipal Corporation is further directed to identify the balance land to an extent of 7.22 cents for allotment immediately.

7. The Commissioner, Municipal Corporation, Nellore, shall take necessary further action, accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

R. KARIKAL VALAVEN
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Commissioner, Municipal Corporation, Nellore.
Sri K.Syamasundara Reddy, Sri K.Gopinadha Reddy and Sri K.Muralidhar Reddy through Commissioner, Nellore Municipal Corporation, Nellore District
Copy to:
The Director of Town & Country Planning, for information and necessary action.
The Commissioner & Director of Municipal Administration, Hyderabad.
The Collector, Potti Sriramulu Nellore District, for information and necessary action.
The Government Pleader for MA & UD, High Court of A.P., Hyderabad.
The O.S.D. to Minister (MA&UD).
The P.S to Principal Secretary to Government.
SF/SC

// FORWARDED :: BY :: ORDER //

SECTION OFFICER